UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/889,023	01/10/2002	Toshihiro Morita	275730US6PCT	4611

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ART UNIT	PAPER NUMBER
2161	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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	Application No.	Applicant(s)
	09/889,023	MORITA ET AL.
Office Action Summary	Examiner	Art Unit	
	SUSAN Y. CHEN	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>26 November 2008</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>41-43 and 48-70</u> is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>41-43 and 48-70</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a) ☐ All   b) ☐ Some * c) ☐ None of:

         1. ☐ Certified copies of the priority documents have been received.

         2. ☐ Certified copies of the priority documents have been received in Application No. _____.

         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

Response to Amendment

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on Nov. 26, 2008 has been entered.

This office action is in response to the amendment filed on Nov. 26, 2008.

Claims 41-43 and 48-70 are pending for examination. Claims 41, 48, 53, 55, 60, 62, 67 and 68 have been amended; claim 70 has been newly added.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 41-43 and 48-70 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As to claims 41, 48, 53, 55, 60, 62, 67 and 68, it is unclear what does the new claimed "two user actuated indicators" referred to (i.e., the Geographic User Interface "GUI" provided by the instant application comprising a plurality of user selectable objects which units are the claimed first and second indicators as recited in the claims. In addition, it is not understood how to configure the claimed first and second indication).

As to claims 42-43 and 49-52, 54, 56-59, 61, 63-66 and 69-70, these claims have the same defects as their base claims respectively, hence, are rejected for the same reason.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 41-43 and 48-70, are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,412,012 issued to Bieganski et al. (hereinafter referred as Bieganski) in view of U.S. Patent No. 6,959,288 issued to Medina et al. (hereinafter referred as Medina) and further in view of U.S. Patent No. 5,966,707 issued to Van Huban (hereinafter referred as Huban).

Claims 41, 48, 53, 55, 60, 62 and 67-68:

  Bieganski discloses an information processing system as claimed [e.g.,
Fig. 1] comprising:

-   a recording unit for recording usage history data and the related
  data recorded in the recording means based on at least two
  filtering data set, wherein, each of the at least two filtering dataset
  defining a filtering criteria as a computation of a weight per each
  contents. [e.g., the CPU (102, Fig. 1) can coupled to the memory
  system (104, Fig. 1) and the secondary storage(108 of Fig. 1) to
  log history data indicative of usage history of the group of
  contents. Furthermore, the data being stored in the History Set
  (203, Fig. 2) and the customer's behavior data recorded at a
  shopping set as specified at col. 8, lines 7-8, and the Purchased
  Items associated to a particular user's Transaction, and the item
  compatibility rule data sets at (900, Fig. 9), and the
  recommendation sets generated by the engine (600, Fig. 14; col.
  14, lines 31-33), wherein the at least two filtering data set (e.g.,
  the units: 303, 305, 306, Fig. 3 and associated texts) are deemed
  to define as filtering criteria as a computation of a weight per each
  contents in the recommendation set (e.g., col. 3, lines 48-58)]; the
  recording unit being configured to change the filtering criteria of

the at least two filtering data sets to values input by a user, the
values independent of the usage history (e.g., the automatically
recommendation sets that being created by collaborative filtering
systems processing at col. 6, lines 4-12).

- a computing unit configured to compute a weight related to a
number of checkout per each of the contents based on both the
history data and one of the at least two filtering data set [e.g., the
compatibility modifier (200, Fig. 2) of the collaborative filtering
system will accept a stored number of checkout (or the number of
times each item was purchased, Fig. 9) per each of the contents
from the history data on a filtering rule specified by a marketer or
customer or the processing of recommendation engine itself (col.
9, lines 63-49) and other filtering criteria form the units such as
201, 202, 203, 204 of Fig. 2 to compute a weight related to the
number of checkout (the steps 752-756, Fig. 7A)], wherein, the
computing unit receiving the filtering criteria of the at least two
filtering data sets, wherein the filtering criteria of the at least two
filtering data sets is generated by a user operation the information
processor [e.g., the collaborative filtering systems at col. 6, lines
4-6, Fig. 2 and associated texts];

- a selecting unit for selecting a content from a group of contents
based on weight computed by the computing means [e.g., the

user interface adapter coupled to the Input Device (114, 118, Fig 1) can be used to select the modified recommendation set based on weight computed by the compatibility modifier (Fig. 5; Fig. 6; col. 13, line 21 - col. 14, line 14; col. 14, line 31-col. 15, line 2)];

- a displaying unit for display a list of at least titles in the information related to the contents selected by the selecting means [e.g., the Display Adapter (112, Fig. 1) coupled to the Display Device (116, Fig. 1) can display a list of recommended books selected by the book reviewer (col. 7, lines 49-54)].

'012 Bieganski did not directly explain that the selection unit configured to create at least two filtering packages based on the at least two filtering data sets, wherein each of the at least two filtering packages includes information identifying the content selected, and the information identify the content is capable of being shared by at least two filtering packages so as to allow the content to belong to both the at least two filtering package at any given time.

However, '288 Medina discloses the claimed features [e.g., col. 11, lines 7-30, col. 68, lines 13-67, the content processing tool of Fig.(s) 8, 12-13 and associated texts]

'012 Bieganski and '288 Medina are in the same endeavor to facilitate the sharing of group of content data via open network user interface, therefore, with the teachings of Bieganski and Medina in front of him/her, it would have been obvious for one of the ordinary skill person in the art at the time the invention was made to modify

Bieganski's system with the technique taught by Medina to provide the selection unit as claimed that is configured to create at least two filtering packages based on the at least two filtering data sets, wherein each of the at least two filtering packages includes information identifying the content selected, and the information identify the content is capable of being shared by at least two filtering packages so as to allow the content to belong to both the at least two filtering package at any given time. Because by doing so, as suggested by Medina the combined system will provides a standard for creating digital players on end-user device that facilitates an end user to distribute, share and manage of a local library of digital contents no other than what was purchased [e.g., col. 5, lines 39-53, Fig.(s) 8, 12-13 and associated texts].

The combined system of Bieganski and Medina did not specifically detail that the selection unit include at least two user actuated indicators, wherein a first indicator configured to select the contents before filtering a package and a second indicator configured to select the content after filtering of a filtering package.

However, Huben disclosed the claimed features [e.g., the checkable User Interfaces provides a combination of command line, scripts, GUI, Menu, WebBrowser maps of the user's view for querying and selecting heterogeneous data package in a Product Data Management System (PDM) as show in the Abstract, Fig. 1 and associated texts].

Bieganski, Medina and Huben are of the same endeavor to facilitate the management of product package data over network, hence, with the teachings of Bieganski, Medina and Huben in front of him/her, it would have been obvious for one of

the ordinary skill person in the art at the time the invention was made to modify the

combined system of Bieganski and Medina with the technique taught by Huben,

because by doing so, the combined system will be upgraded to provide a more user

friendly interface that was adapted to customized user's view to facilite user's query and

selection.

As to claims 42, 49, 51-52, 54, 56, 58-59, 61, 63, and 65-66:

Except all the features recited in claims 41, 48, 53, 55, 60, and 62, the combined

system of Bieganski, Medina and Huben further discloses that the system comprising

means to computes per each of the contents as weight for a period for which the

content has been checked out or for the genre of the content or for playing time of the

content [e.g., '288 Medina: col. 13, lines 1-9; col. 93, line15].

As to claims 43, 50, 57 and 64:

Except all the features recited in claims 41, 48, 53, 55, 60, and 62, the combined

system of Bieganski Medina and Huben further discloses that the system comprising

means for adding new filtering data [e.g., '288 Medina: col. 11, lines 19-22].

As to claim 69, except the limitations recited in claim 1, the combined system of

Bieganski Medina and Huben further discloses that the recording unit is configured to

change the filtering data in the filtering file to values input by the user [e.g., Bieganski:

the use of I/O adaptor 106, Fig. 1 and associated texts].

As to claim 70, except the limitations recited in claim 1, the combined system of Bieganski Medina and Huben further discloses that a third indicator configured to select the contents after filtering by a user defined package [e.g., Huben: the use of menu, script program, command line and "SQL" to control the views of user's interface at Abstract].

Response to Arguments

Applicant's arguments with respect to claims 41-43 and 48-70 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUSAN Y. CHEN whose telephone number is (571)272-4016. The examiner can normally be reached on Monday - Friday from 7:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mofiz Apu can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Susan Y Chen/
Partial Sig. Examiner
Art Unit 2161

January 28, 2009